IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL REVISION APPLICATION NO.257 OF 2003

Pimpri Chinchwad New Town
Development Authority Petitioner

Vs.

Basudeo Hanumanprasad Pasare & ors. Respondents

Mr.V.B.Rajure for petitioner.
Mr. Madhav Jamdaar for resp.no.1.
Mr.S.P.Prabhu i/b Mr.N.V.Walawalkar for resp.no.4.
Mrs.Geeta Mulekar, AGP for resp.nos.2 and 3.

CORAM: B.H.MARLAPALLE,J.
August 09, 2005.

ORAL ORDER:

. The impugned order dated 25-10-2002 passed by the 3rd Joint Civil Judge Junior Division at Pune has decided the application filed at Exhibit 206 in Special Civil Suit No.40 of 1993. At Exhibit 159 an order was passed framing issue no.10 regarding the jurisdiction of the Court. The jurisdiction of the Court was challenged on two counts viz. (a) the suit land was covered by the acquisition proceedings initiated by the State Government under the Land Acquisition Act, 1894 and (b) the suit land was covered under the Urban Land Ceilings Act. So far as the first point is concerned the trial Court has recorded a finding that the suit land was not covered under the acquisition proceedings and, therefore, it

has the jurisdiction to entertain the suit. So far as the second issue is concerned the trial Court noted that the same will have to be gone into after the parties adduce evidence. It is thus clear that the jurisdiction of the trial Court to entertain the suit vis-a-vis the Urban Land Ceilings Act is going to be decided after the parties adduce evidence and, therefore, no interference is called for in the impugned order at this stage.

. The civil revision application is rejected summarily.

(B.H.MARLAPALLE,J.)